

JUDGE ZAGEL

MAGISTRATE JUDGE BROWN

CH

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

SCOTT PATTERMANN,

COMPLAINT

Plaintiffs,

v.

Civil Action No.

MIRAMED REVENUE GROUP, LLC d/b/a
REVENUE PRODUCTION MANAGEMENT

JURY TRIAL DEMANDED

Defendant.

COMPLAINT

I. INTRODUCTION

1. This action is brought by Plaintiff Scott Pattermann for statutory damages against Defendant MiraMed Revenue Group, LLC d/b/a Revenue Production Management for violations of the Fair Debt Collection Practices Act, 15 U.S.C. §§ 1692 et seq. (hereinafter referred to as “FDCPA”), which prohibits debt collectors from engaging in abusive, deceptive, and unfair practices, and the Illinois Workers’ Compensation Act, 820 ILCS 305 et seq. (hereinafter referred to as “IWCA”).

II. JURISDICTION

2. Jurisdiction of this court arises under 15 U.S.C. § 1692k(d) and 28 U.S.C. § 1331. Declaratory relief is available pursuant to 28 U.S.C. §§ 2201 and 2202 and 735 ILCS 5/2-701. Supplemental jurisdiction for all state law claims is available pursuant to 28 U.S.C. § 1367. Venue is proper in this district as all relevant events took place here.

III. PARTIES

3. Plaintiff Scott Pattermann is an individual who resides in Plainfield, Illinois.

4. Mr. Pattermann is a “consumer” as defined by the FDCPA, 15 U.S.C. § 1692a(3).

5. Defendant MiraMed Revenue Group, LLC (hereinafter referred to as “Miramed”) is a wholly-owned subsidiary of MiraMed Global Services, Inc.

6. According to records of the Illinois Secretary of State, “Revenue Production Management” is an Assumed Name of Miramed.

7. Miramed does business as Revenue Production Management.

8. Miramed is licensed by the State of Illinois as a collection agency, License Number 017021026.

9. Miramed is engaged in the collection of debts from Illinois consumers using the mail and telephone.

10. Miramed regularly attempts to collect consumer debts alleged to be due to another.

11. Miramed was and is a “debt collector” as defined by the FDCPA, 15 U.S.C. §1692a(6).

12. Revenue Production Management (hereinafter referred to as “RPM”) is a collection agency located at 2800 South River Road, Suite 450, Des Plaines, Illinois.

13. RPM is engaged in the collection of debts from Illinois consumers using the mail and telephone.

14. RPM regularly attempts to collect consumer debts alleged to be due to another.

15. RPM was and is a “debt collector” as defined by the FDCPA, 15 U.S.C. §1692a(6).

IV. FACTUAL ALLEGATIONS

16. On or about October 18, 2007, Mr. Pattermann sought medical treatment and/or services from Marionjoy Rehab Hospital & Clinics.

17. Due to the medical treatment and/or services provided by Marionjoy Rehab Hospital & Clinics, Mr. Pattermann incurred an alleged debt in the amount of \$633.20 to Marionjoy Rehab Hospital & Clinics (hereinafter referred to as “the Debt”).

18. Mr. Pattermann did not pay the Debt because it was covered by his employer’s workers’ compensation insurance.

19. RPM obtained the Debt on or about February 28, 2008.

20. RPM obtained the Debt after it entered default.

21. On or about March 6, 2008, RPM arranged for the preparation and transmittal of a letter to Mr. Pattermann at his residence in an attempt to collect the Debt. A copy of RPM’s March 6, 2008, correspondence is attached hereto as Exhibit A.

22. Exhibit A refers to Reference # 4244140.

23. Exhibit A refers to an “Amount Due” of \$633.20.

24. Exhibit A refers to an “Account Number” of M83475.

25. Exhibit A refers to a “Date of Service” of 10-18-07.

26. Mr. Pattermann provided Exhibit A to his attorney’s office, Horwitz, Horwitz & Associates, Ltd.

27. On March 31, 2008, an attorney at Horwitz, Horwitz & Associates, Ltd., Mark Weissburg, sent a letter (dated March 28, 2008) by facsimile to RPM at facsimile number 847.257.3300. A copy of Mr. Weissburg’s March 31, 2007, correspondence to RPM (along with the cover page and confirmation page produced by Horwitz, Horwitz & Associates, Ltd.’s

facsimile machine showing that the letter was transmitted successfully) is attached hereto as Exhibit B.

28. RPM receives facsimiles at the number 847.257.3300.
29. According to RPM's website, RPM's facsimile number is 847.257.3300.
30. A copy of Exhibit B was also sent by United States Certified Mail to RPM.
31. The mailed copy of Exhibit B was delivered on April 2, 2008.
32. Both the cover page and the letter included in Exhibit B refer to "Scott Pattermann".
33. The second page of Exhibit B states,

RE: Scott Pattermann
Birth Date: [REDACTED]
Soc. Sec. No. [REDACTED]

We represent the above named claimant in the above captioned claim under the Illinois Workers' Compensation Act ("the Act") which is now pending before the Illinois Workers' Compensation Commission. We understand that you and/or the representatives of your office have been acting as a Collection Agency, attempting to collect a debt.

An Application for Adjustment of Claim has been filed with the Illinois Workers' Compensation Commission to resolve a dispute over payment of the charges you are attempting to collect.

Pursuant to the applicable provisions of Sections 8.2(e), (e-5), (e-10), (e-15), and (e-20) of the Act, as amended November 15, 2005, you and your agents, servants, employees, and assigns are hereby directed, effective immediately, to cease all collection procedures forthwith and to refrain from reporting our client to any credit rating agency, until further notice.

Please direct any further communications to this office. Rest assured that we will endeavor to protect your lien rights, if any, under the Act.

Very truly yours,

HORWITZ, HORWITZ & ASSOCIATES, LTD.

[signature]

Mark Weissburg
MW/dd

34. On or about April 10, 2008, RPM arranged for the preparation and transmittal of a letter to Mr. Pattermann at another address but that was delivered to his residence in an attempt to collect the Debt. A copy of RPM's April 10, 2008, correspondence is attached hereto as Exhibit C.

- 35. Exhibit C refers to Reference # 4244140.
- 36. Exhibit C refers to an "Amount Due" of \$633.20.
- 37. Exhibit C refers to an "Account Number" of M83475.
- 38. Exhibit C refers to a "Date of Service" of 10-18-07.
- 39. Exhibit C contains:

Dear Scott Pattermann:

In spite of our previous requests for payment, the Amount Due is still due and owing. Without a response from you we can only assume that you cannot or will not make payment.

Demand is hereby made upon you for payment of the amount due. We are still willing to discuss alternatives to immediate payment in full, such as an installment payment plan, but we cannot do so without a response from you.

Please reply immediately with your payment or contact us and advise us on your intentions.

40. The Debt was incurred for personal, family, or household purposes, *i.e.*, for medical treatment and/or services.

41. The Illinois Workers' Compensation Act prohibits a creditor from attempting to collect a debt if the provider has been informed that an application has been filed with the Illinois Workers' Compensation Commission to resolve a dispute over the payment of such debt. See 820 ILCS 305/8.2(e-5), (e-10).

42. Only after a final award or judgment by an Arbitrator or the Illinois Workers' Compensation Commission or a settlement is agreed to may the creditor resume attempts to collect the debt. See 820 ILCS 305/8.2(e-20).

43. During its communications with Mr. Pattermann, RPM acted as agent of Marionjoy Rehab Hospital & Clinics.

V. COUNT ONE – FAIR DEBT COLLECTION PRACTICES ACT

44. Plaintiff repeats, realleges, and incorporates by reference the foregoing paragraphs.

45. Defendant's violations of the FDCPA include, but are not limited to:

- A. communicating with the consumers in connection with the collection of the Debt after being informed that they were represented by an attorney and being able to readily ascertain such attorney's name and address in violation of 15 U.S.C. § 1692c(a)(2);
- B. creating a false sense of urgency in violation of 15 U.S.C. §§ 1692e and e(10);
- C. using any false representation or deceptive means to collect or attempt to collect any debt or to obtain information concerning a consumer in violation of 15 U.S.C. §§ 1692e and e(10);
- D. falsely representing the character, amount, or legal status of the Debt in violation of 15 U.S.C. § 1692e(2)(A);
- E. threatening to take any action that cannot legally be taken or that is not intended to be taken in violation of 15 U.S.C. § 1692e(5); and
- F. failing to cease collection of the debt after being notified in writing that

the debt is disputed, without first providing verification in violation of 15 U.S.C. § 1692g(b).

46. As a result of Defendant's violations of the FDCPA, Plaintiff is entitled to a declaratory judgment that Defendant's actions violate the FDCPA, as well as an award of statutory damages, costs and reasonable attorney fees.

VI. COUNT TWO – ILLINOIS WORKERS' COMPENSATION ACT

47. Plaintiff repeats, realleges, and incorporates by reference the foregoing paragraphs.

48. Defendant's violations of the IWCA include, but are not limited to, failing to cease any and all efforts to collect payment for the services that are the subject of the dispute after being informed that there is an application filed with the Illinois Workers' Compensation Commission to resolve a dispute over payment of such charges in violation of 820 ILCS 305/8.2(e-5) and (e-10).

49. As a result of Defendant's violations of the IWCA, Plaintiff is entitled to
- A. a declaratory judgment that Defendant's actions violate the IWCA;
 - B. a permanent injunction that enjoins Defendant from "any and all efforts to collect payments for the services that are the subject of the dispute," where such efforts are not in compliance with the IWCA (820 ILCS 305/8.2(e-5), (e-10), and (e-15)) until "a final award or judgment by an Arbitrator or the Illinois Workers' Compensation Commission, or a settlement agreed to by the employer and the employee." See 820 ILCS 305/8.2(e-20); and
 - C. a permanent injunction that enjoins Defendants from reporting the Debt to any credit reporting agency (820 ILCS 305/8.2(e-15), until "a final award or judgment by an Arbitrator or the Illinois Workers' Compensation Commission, or a settlement agreed to by the employer and the employee." See 820 ILCS 305/8.2(e-20).

VII. REQUEST FOR RELIEF

WHEREFORE, Plaintiff Scott Pattermann requests that judgment be entered in his favor against Defendant MiraMed Revenue Group, LLC d/b/a Revenue Production Management for:

- A. A declaratory judgment that Defendant's actions violate the FDCPA and IWCA;
- B. A permanent injunction enjoining Defendant from any and all collection efforts until resolution of Mr. Pattermann's workers' compensation matter;
- C. A permanent injunction enjoining Defendant from reporting the Debt to any credit reporting agency until resolution of Mr. Pattermann's workers' compensation matter;
- D. Statutory damages pursuant to 15 U.S.C. § 1692k(a)(2);
- E. Costs and reasonable attorney fees pursuant to 15 U.S.C. § 1692k(a)(3);
- and
- F. For such other relief as the Court may find to be just and proper.

VIII. JURY DEMAND

Plaintiff Scott Pattermann hereby demands that this case be tried before a Jury.

s/ Craig M. Shapiro
Craig M. Shapiro
O. Randolph Bragg
HORWITZ, HORWITZ & ASSOCIATES, LTD..
25 East Washington Street Suite 900
Chicago, Illinois 60602
(312) 372-8822
(312) 372-1673 (Facsimile)

ATTORNEYS FOR PLAINTIFF

EXHIBIT A

NOTICE OF AMOUNT DUE**REVENUE PRODUCTION MANAGEMENT, INC.**

A Division of MiraMed Revenue Group, LLC

RE: MARIANJOY REHAB HOSPITAL & CLINICS

STATEMENT DATE: March 6, 2008

ACCOUNT NUMBER: M83475

AMOUNT DUE: \$633.20

REFERENCE#: 4244140

ADDRESSEE:

Scott Patterman

Plainfield IL 60585-2213

MAKE CHECKS PAYABLE TO:Revenue Production Mgmt -
Dept 77308
P.O. Box 77000
Detroit MI 48277-0308

**** PLEASE CALL ****

Phone: (630) 424-4000 • Fax: (630) 424-4002

Outside Illinois: (800) 837-2456

To make your payment online, please visit us at www.rpmstaff.com

This firm represents the creditor named above. Your account has been referred to this office for collection because the amount shown above is past due.

We request payment in full. If you cannot pay the amount due, but wish to make payments on this overdue debt, please call this office with your proposal and we will discuss payment terms.

You can mail payments to us at the address listed above. We will also accept payment by credit card or check-by-phone at the phone numbers listed above, or you can pay online at www.rpmstaff.com

Unless you notify this office within 30 days after receiving this notice that you dispute the validity of this debt, or any portion thereof, this office will assume this debt is valid. If you notify this office in writing within 30 days from receiving this notice that you dispute the validity of this debt, this office will obtain verification of the debt or obtain a copy of a judgment and mail you a copy of such judgment or verification. If you request of this office in writing within 30 days after receiving this notice, this office will provide you with the name and address of the original creditor, if different from the current creditor.

This communication is from a debt collector. This is an attempt to collect a debt and any information obtained will be used for that purpose.

Thank you,

Revenue Production Management, Inc.

Please include your reference# on payment
Please see reverse side for important information

*** Please Return Bottom Portion With Payment ***

001511PAPCRD1FTY85D21EF1

TY85D21EF1



Revenue Production Management Inc.

PO Box 536

Linden MI 48451-0536

ADDRESS SERVICE REQUESTED

Letter Date : 03/06/08

Reference# : 4244140

Account# : M83475

Creditor: MARIANJOY REHAB HOSPITAL & CLINICS

Amount Due : \$633.20

Date of Service: 10-18-07

Patient : PATTERMAN SCOTT

MAKE CHECKS PAYABLE TO:

#BWNKGZZ

#TY85D21EF1# 4244140-RLDIF

Scott Patterman

Plainfield IL 60585-2213

Revenue Production Mgmt -
Dept 77308
P.O. Box 77000
Detroit MI 48277-0308

EXHIBIT B

25 East Washington, Ste 900
Chicago, IL 60602
Phone: 312-372-8822 x 7476
Fax: 312-564-7477
e-mail: DanD@horwitzlaw.com

**Horwitz, Horwitz &
Associates**

Fax

To: Revenue Production Management

From: Dan DeBias

Assistant to Mark Weissburg

Fax: 1-847-257-3300

Date: March 31, 2008

Phone: 1-847-257-1596

Pages: 2

Re: Scott Pattermann

CC:

☒ **Urgent** ☒ **For Review** ☒ **Please Comment** ☒ **Please Reply** ☐ **Please Recycle**

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HORWITZ, HORWITZ & ASSOCIATES, LTD.
Attorneys and Counselors at Law

March 28, 2008

Revenue Production Management
Dept. 77308
PO Box 77000
Detroit, MI 48277-0308

RE: Scott Pattermann
Birth Date: [REDACTED]
Soc. Sec. No. [REDACTED]
Our File No. 17603
D/ Accident: December 22, 2003

Clifford W. Horwitz
Mitchell W. Horwitz
Jay R. Luchinger
Wayne L. Newman
Marc A. Perper
O. Randolph Bragg
Michael T. Wierzbicki
Mark Weissburg
Michael D. Carter
Valerie C. Barich
Craig M. Shapiro
Ari L. Tefelman
Patrick G. Seronka
Michael A. Silverman
Jason B. McGary
Jeffrey L. Schlapp
Retired 1998
Andrew J. Horwitz

Dear Revenue Production Management,

We represent the above named claimant in the above-captioned claim under the Illinois Workers' Compensation Act ("the Act") which is now pending before the Illinois Workers' Compensation Commission. We understand that you and/or the representatives of your office have been acting as a Collection Agency, attempting to collect a debt.

An Application for Adjustment of Claim has been filed with the Illinois Workers' Compensation Commission to resolve a dispute over payment of the charges you are attempting to collect.

Pursuant to the applicable provisions of Sections 8.2(e), (e-5), (e-10), (e-15) and (e-20) of the Act, as amended November 15, 2005, you and your agents, servants, employees, and assigns are hereby directed, effective immediately, to cease all collection procedures forthwith and to refrain from reporting our client to any credit rating agency, until further notice.

Please direct any further communications to this office. Rest assured that we will endeavor to protect your lien rights, if any, under the Act.

Very truly yours,

HORWITZ, HORWITZ AND ASSOCIATES, LTD.

Mark Weissburg
MW/dd

25 East Washington Street, Suite 900, Chicago, Illinois 60602

TELEPHONE 312-372-8822 815-723-8822 FAX 312-372-1673
WEBSITE <http://www.horwitzlaw.com> E-MAIL lawyers@horwitzlaw.com

TRANSMISSION VERIFICATION REPORT

TIME : 03/31/2008 10:30
 NAME :
 FAX :
 TEL :
 SER. # : BROH4J825194

DATE, TIME	03/31 10:30
FAX NO. /NAME	18472573300
DURATION	00:00:24
PAGE(S)	02
RESULT	OK
MODE	STANDARD
	ECM

25 East Washington, Ste 900
 Chicago, IL 60602
 Phone: 312-372-8822 x 7476
 Fax: 312-564-7477
 e-mail: DanD@horwitzlaw.com

**Horwitz, Horwitz &
 Associates**

Fax

To: Revenue Production Management

From: Dan DeBias

Assistant to Mark Weissburg

Fax: 1-847-257-3300

Date: March 31, 2008

Phone: 1-847-257-1596

Pages: 2

Re: Scott Pattermann

CC:

☒ **Urgent** ☒ **For Review** ☒ **Please Comment** ☒ **Please Reply** ☐ **Please Recycle**

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EXHIBIT C

NOTICE OF AMOUNT DUE**REVENUE PRODUCTION MANAGEMENT, INC.**

A Division of MiraMed Revenue Group, LLC

STATEMENT DATE: April 10, 2008

ACCOUNT NUMBER: M83475

AMOUNT DUE: \$633.20

REFERENCE#: 4244140

ADDRESSEE:

Scott Patterman
104 Egret Landing Ct # B
Holly Ridge NC 28445-9410

MAKE CHECKS PAYABLE TO:

Revenue Production Mgmt -
Dept 77308
P.O. Box 77000
Detroit MI 48277-0308

**** PLEASE CALL ****

Phone: (630) 424-4000 • Fax: (630) 424-4002

Outside Illinois: (800) 837-2456

To make your payment online, please visit us at www.rpmstaff.com

Dear Scott Patterman:

In spite of our previous requests for payment, the Amount Due is still due and owing. Without a response from you we can only assume that you cannot or will not make payment.

Demand is hereby made upon you for payment of the amount due. We are still willing to discuss alternatives to immediate payment in full, such as an installment payment plan, but we cannot do so without a response from you.

Please reply immediately with your payment, or contact us and advise us on your intentions.

We will accept checks or credit cards over the phone at the above phone numbers or you can pay online at www.rpmstaff.com

Thank you.

Revenue Production Management, Inc.

North Carolina Department of Insurance Permit #0841055

THIS COMMUNICATION IS FROM A DEBT COLLECTOR AND THIS IS AN ATTEMPT TO COLLECT A DEBT.
ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.
PLEASE SEE REVERSE SIDE FOR IMPORTANT INFORMATION

Retain Top Portion For Your Records

*** Please Return Bottom Portion With Payment ***

002789PAPCR14ATY89D01577

TY89D01577



Revenue Production Management Inc.
PO Box 505
Linden MI 48451-0505

ADDRESS SERVICE REQUESTED

Letter Date : 04/10/08
Reference # : 4244140
Account # : M83475
Creditor : MARIANJOY REHAB HOSPITAL & CLINICS
Amount Due : \$633.20
Date of Service: 10-18-07
Patient : PATTERMAN SCOTT

MAKE CHECKS PAYABLE TO:

#BWNKGZZ
#TY89D01577# 4244140-RLD4A
Scott Patterman
104 Egret Landing Ct # B
Holly Ridge NC 28445-9410



Revenue Production Mgmt -
Dept 77308
P.O. Box 77000
Detroit MI 48277-0308